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7 WESTERN DISTRICT OF WASHINGTON  
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11-CV-00265-ORD

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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

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DAVID MUNGAI NJENGA, )  
Petitioner, ) Case No. C11-265-JLR  
v. ) ORDER GRANTING MOTION  
NATHALIE ASHER, *et al.*, ) FOR STAY OF BRIEFING  
Respondents. ) UNTIL ISSUANCE OF  
 ) MANDATE IN *Diouf v.*  
 ) *Napolitano*

The Court, having reviewed petitioner's Petition for Writ of Habeas Corpus, respondents' Motion for Stay of Briefing Pending Issuance of Mandate in *Diouf v. Napolitano*, the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, and ~~any~~ <sup>the</sup> objections ~~or responses to that~~ <sup>thereto</sup>, and the remaining record, finds and Orders as follows:

1. The Court adopts the Report and Recommendation.  
2. Respondents' Motion for Stay of Briefing Pending Issuance of Mandate in *Diouf v.*

*Napolitano*, Dkt. No. 13, is GRANTED. Respondents shall file their Return and Status Report no later than May 30, 2011. <sup>45 days after the Ninth Circuit issues its mandate in</sup> *Diouf v. Napolitano*.

3. The Clerk shall remove any pending motions from the motion calendar until further notice by the Court.

ORDER GRANTING MOTION FOR STAY OF BRIEFING UNTIL  
ISSUANCE OF MANDATE IN *DOUF V. NAPOLITANO* - 1

4. Respondents shall notify the Court once the mandate in *Diouf* issues.
5. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this 22<sup>ND</sup> day of April, 2011.

JAMES L. ROBART  
United States District Judge

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**ORDER GRANTING MOTION FOR STAY OF BRIEFING UNTIL  
ISSUANCE OF MANDATE IN *DIOUF V. NAPOLITANO* - 2**